Fighting wars have been one way to bring about social, economic, or political change. In the 1950s, African Americans leaders fought a new kind of battle: They increasingly used the nation’s laws and courts to confirm black citizens’ rights.

Segregated schools existed throughout the nation by the mid-1900s. Some were established by law. Others evolved through local custom and practice. In Kansas, for example, cities were permitted to build racially separate schools as early as 1861. And after the U.S. Supreme Court’s *Plessy v. Ferguson* decision of 1896, which stated that separate but equal facilities were legal, segregated schools spread throughout the country. They were never equal, however.
By 1950, an African American legal team, headed first by Charles Hamilton Houston and then by Thurgood Marshall, had won a number of cases involving racial segregation in *higher education*. Those cases provided the foundation to challenge the *Plessy* ruling. Lawyers believed that they could show that state governments failed to provide separate public schools in a way that satisfied the “equal protection” requirement of the 14th Amendment.

First, Marshall and his legal team needed to find cases to present to the U.S. Supreme Court. Marshall’s attention was drawn to Kansas when the Topeka branch of the National Association for the Advancement of Colored People (NAACP) requested assistance. Eight members of the Topeka NAACP were parties to a lawsuit against the local school board. The person whose name headed the list was Oliver Brown, a soft-spoken father of three girls.

The Browns lived in a neighborhood that was crisscrossed with railroad tracks. To reach the nearest elementary school for black children, Brown’s oldest daughter, Linda, walked through dangerously active rail yards.

At the start of the 1950 school year, Brown had walked 7-year-old Linda to a school that was closer to their home. The school refused to admit Linda because it accepted only white children. Other black families, attempting similar admissions, were denied. With Marshall’s approval, Robert Carter, the NAACP Defense Fund lawyer agreed to
represent the eight families in a **class action** lawsuit. On February 28, 1951, he filed the case of *Brown v. Board of Education of Topeka* with the U.S. District Court for Kansas.

When the district court ruled in favor of the school board, the NAACP immediately submitted an appeal before the U.S. Supreme Court. Various delays followed. Finally, the Supreme Court combined the Kansas appeal with four other school segregation cases and scheduled the case to be heard in December 1953.

Five months later, on May 17, 1954, at 12:52 P.M., Chief Justice Earl Warren announced that the court had reached its unanimous decision. He stated that “today, education is perhaps the most important function of state and local governments. . . . Does segregation of children in public schools solely because of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that . . . [s]eparate educational facilities are inherently unequal.”

It took less than an hour for the decision to be read. In that time, the Supreme Court not only affirmed the right of all children to attend schools of their choosing, but overturned its earlier decision in *Plessy v. Ferguson*, which was the foundation of segregation in the South.

The arguments made by Thurgood Marshall and his co-counsel, Spottswood W. Robinson III, in the *Brown* case paved the way to end racial discrimination in the field of education. And Marshall would go on to make history again in 1967 when he became the first African American to serve on the U.S. Supreme Court.

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